

1 **R307. Environmental Quality, Air Quality.**

2 **R307-401. Permit: New and Modified Sources.**

3 **R307-401-1. Purpose.**

4 This rule establishes the application and permitting
5 requirements for new ~~[sources]~~installations and
6 modifications to existing ~~[sources]~~installations throughout
7 the State of Utah. Additional permitting requirements
8 apply to larger ~~[sources or sources]~~installations or
9 installations located in nonattainment or maintenance
10 areas. These additional requirements can be found in R307-
11 403, R307-405, R307-406, R307-420, and R307-421. Modeling
12 requirements in R307-410 may also apply. Each of the
13 permitting rules establishes independent requirements, and
14 ~~[a source]~~the owner or operator must comply with all of the
15 requirements that apply to the ~~[source]~~installation.
16 Exemptions under R307-401 do not affect applicability of
17 the other permitting rules.

18
19 **R307-401-2. Definitions.**

20 (1) The following additional definitions apply to
21 R307-401.

22 "Actual emissions" (a) means the actual rate of
23 emissions of an air contaminant—from an emissions unit, as
24 determined in accordance with paragraphs (b) through (d)
25 below.

26 (b) In general, actual emissions as of a particular
27 date shall equal the average rate, in tons per year, at
28 which the unit actually emitted the air contaminant during
29 a consecutive 24-month period which precedes the particular
30 date and which is representative of normal source
31 operation. The executive secretary shall allow the use of a
32 different time period upon a determination that it is more
33 representative of normal source operation. Actual emissions
34 shall be calculated using the unit's actual operating
35 hours, production rates, and types of materials processed,
36 stored, or combusted during the selected time period.

37 (c) The executive secretary may presume that source-
38 specific allowable emissions for the unit are equivalent to
39 the actual emissions of the unit.

40 (d) For any emissions unit that has not begun normal
41 operations on the particular date, actual emissions shall
42 equal the potential to emit of the unit on that date.

43 "Best available control technology" means an emissions
44 limitation (including a visible emissions standard) based
45 on the maximum degree of reduction for each air contaminant
46 which would be emitted from any proposed stationary source
47 or modification which the executive secretary, on a case-

1 by-case basis, taking into account energy, environmental,
2 and economic impacts and other costs, determines is
3 achievable for such source or modification through
4 application of production processes or available methods,
5 systems, and techniques, including fuel cleaning or
6 treatment or innovative fuel [~~combination~~]combustion
7 techniques for control of such pollutant. In no event shall
8 application of best available control technology result in
9 emissions of any pollutant which would exceed the emissions
10 allowed by any applicable standard under 40 CFR parts 60
11 and 61. If the executive secretary determines that
12 technological or economic limitations on the application of
13 measurement methodology to a particular emissions unit
14 would make the imposition of an emissions standard
15 infeasible, a design, equipment, work practice, operational
16 standard or combination thereof, may be prescribed instead
17 to satisfy the requirement for the application of best
18 available control technology. Such standard shall, to the
19 degree possible, set forth the emissions reduction
20 achievable by implementation of such design, equipment,
21 work practice or operation, and shall provide for
22 compliance by means which achieve equivalent results.

23 "Building, structure, facility, or installation" means
24 all of the pollutant-emitting activities which belong to
25 the same industrial grouping, are located on one or more
26 contiguous or adjacent properties, and are under the
27 control of the same person (or persons under common
28 control) except the activities of any vessel. Pollutant-
29 emitting activities shall be considered as part of the same
30 industrial grouping if they belong to the same Major Group
31 (i.e., which have the same two-digit code) as described in
32 the Standard Industrial Classification Manual, 1972, as
33 amended by the 1977 Supplement (U.S. Government Printing
34 Office stock numbers 4101-0066 and 003-005-00176-0,
35 respectively).

36 "Construction" means any physical change or change in
37 the method of operation (including fabrication, erection,
38 installation, demolition, or modification of an emissions
39 unit) that would result in a change in emissions.

40 "Emissions unit" means any part of a stationary source
41 that emits or would have the potential to emit any air
42 contaminant.

43 "Fugitive emissions" means those emissions which could
44 not reasonably pass through a stack, chimney, vent, or
45 other functionally equivalent opening.

46 "Indirect source" means a building, structure,
47 facility or installation which attracts or may attract

1 mobile source activity that results in emission of a
2 pollutant for which there is a national standard.

3 "Potential to emit" means the maximum capacity of a
4 stationary source to emit [—]an air contaminant under its
5 physical and operational design. Any physical or
6 operational limitation on the capacity of the source to
7 emit a pollutant, including air pollution control equipment
8 and restrictions on hours of operation or on the type or
9 amount of material combusted, stored, or processed, shall
10 be treated as part of its design if the limitation or the
11 effect it would have on emissions is enforceable. Secondary
12 emissions do not count in determining the potential to emit
13 of a stationary source.

14 "Secondary emissions" means emissions which occur as a
15 result of the construction or operation of a major
16 stationary source or major modification, but do not come
17 from the major stationary source or major modification
18 itself. Secondary emissions include emissions from any
19 offsite support facility which would not be constructed or
20 increase its emissions except as a result of the
21 construction or operation of the major stationary source or
22 major modification. Secondary emissions do not include any
23 emissions which come directly from a mobile source, such as
24 emissions from the tailpipe of a motor vehicle, from a
25 train, or from a vessel.

26 "Stationary source" means any building, structure,
27 facility, or installation which emits or may emit an air
28 contaminant.

29
30 **R307-401-3. Applicability.**

31 (1) R307-401 applies to any person intending to:

32 (a) construct a new installation which will or might
33 reasonably be expected to become a source or an indirect
34 source of air pollution, or

35 (b) make modifications or relocate an existing
36 installation which will or might reasonably be expected to
37 increase the amount or change the effect of, or the
38 character of, air contaminants discharged, so that such
39 installation may be expected to become a source or indirect
40 source of air pollution, or

41 (c) install a control apparatus or other equipment
42 intended to control emissions of air contaminants[~~from a~~
43 ~~stationary source~~].

44 (2) R307-403, R307-405 and R307-406 may establish
45 additional permitting requirements for new or modified
46 sources.

1 (a) Exemptions contained in R307-401 do not affect
2 applicability or other requirements under R307-403, R307-
3 405 or R307-406.

4 (b) Exemptions contained in R307-403, R307-405 or
5 R307-406 do not affect applicability or other requirements
6 under R307-401, unless specifically authorized in this
7 rule.

8 9 **R307-401-4. General Requirements.**

10 The general requirements in (1) through (3) below
11 apply to all new and modified [~~sources~~]installations,
12 including [~~sources~~]installations that are exempt from the
13 requirement to obtain an approval order.

14 (1) Any control apparatus installed on [~~a source~~]an
15 installation shall be adequately and properly maintained.

16 (2) If the executive secretary determines that an
17 exempted [~~source~~]installation is not meeting an approval
18 order or State Implementation Plan limitation, is creating
19 an adverse impact to the environment, or would be injurious
20 to human health or welfare, then the executive secretary
21 may require the [~~source~~]owner or operator to submit a
22 notice of intent and obtain an approval order in accordance
23 with R307-401-5 through R307-401-8. The executive
24 secretary will complete an appropriate analysis and
25 evaluation in consultation with the [~~source~~]owner or
26 operator before determining that an approval order is
27 required.

28 (3) Low Oxides of Nitrogen Burner Technology.

29 (a) Except as provided in (b) below, whenever
30 existing fuel combustion burners are replaced, the owner or
31 operator shall install low oxides of nitrogen burners or
32 equivalent oxides of nitrogen controls, as determined by
33 the executive secretary, unless such equipment is not
34 physically practical or cost effective. The owner or
35 operator shall submit a demonstration that the equipment is
36 not physically practical or cost effective to the executive
37 secretary for review and approval prior to beginning
38 construction.

39 (b) The provisions of (a) above do not apply to non-
40 commercial, residential buildings.

41 42 **R307-401-5. Notice of Intent.**

43 (1) Except as provided in R307-401-9 through R307-
44 401-17, [~~the owner or operator of any stationary source~~]any
45 person subject to R307-401 shall submit a notice of intent
46 to the executive secretary and receive an approval order
47 prior to initiation of construction, modification or

1 relocation. The notice of intent shall be in a format
2 specified by the executive secretary.

3 (2) The notice of intent shall include the following
4 information:

5 (a) A description of the nature of the processes
6 involved; the nature, procedures for handling and
7 quantities of raw materials; the type and quantity of fuels
8 employed; and the nature and quantity of finished product.

9 (b) Expected composition and physical characteristics
10 of effluent stream both before and after treatment by any
11 control apparatus, including emission rates, volume,
12 temperature, air contaminant types, and concentration of
13 air contaminants.

14 (c) Size, type and performance characteristics of any
15 control apparatus.

16 (d) An analysis of best available control technology
17 for the proposed source or modification. When determining
18 best available control technology for a new or modified
19 source in an ozone nonattainment or maintenance area that
20 will emit volatile organic compounds or nitrogen oxides,
21 the owner or operator of the source shall consider EPA
22 Control Technique Guidance (CTG) documents and Alternative
23 Control Technique documents that are applicable to the
24 source. Best available control technology shall be at
25 least as stringent as any published CTG that is applicable
26 to the source.

27 (e) Location and elevation of the emission point and
28 other factors relating to dispersion and diffusion of the
29 air contaminant in relation to nearby structures and window
30 openings, and other information necessary to appraise the
31 possible effects of the effluent.

32 (f) The location of planned sampling points and the
33 tests of the completed installation to be made by the owner
34 or operator when necessary to ascertain compliance.

35 (g) The typical operating schedule.

36 (h) A schedule for construction.

37 (i) Any plans, specifications and related information
38 that are in final form at the time of submission of notice
39 of intent.

40 (j) Any additional information required by:

41 (i) R307-403, Permits: New and Modified Sources in
42 Nonattainment Areas and Maintenance Areas;

43 (ii) R307-405, Permits: Major Sources in Attainment
44 or Unclassified Areas (PSD);

45 (iii) R307-406, Visibility;

46 (iv) R307-410, Emissions Impact Analysis;

1 (v) R307-420, Permits: Ozone Offset Requirements in
2 Davis and Salt Lake Counties; or

3 (vi) R307-421, Permits: PM10 Offset Requirements in
4 Salt Lake County and Utah County.

5 (k) Any other information necessary to determine if
6 the proposed source or modification will be in compliance
7 with Title R307.

8 (3) Notwithstanding the exemption in R307-401-9
9 through 16, any person that is subject to R307-403, R307-
10 405, or R307-406 shall submit a notice of intent to the
11 executive secretary and receive an approval order prior to
12 initiation of construction, modification, or relocation.

13 14 **R307-401-6. Review Period.**

15 (1) Completeness Determination. Within 30 days after
16 receipt of a notice of intent, or any additional
17 information necessary to the review, the executive
18 secretary will advise the applicant of any deficiency in
19 the notice of intent or the information submitted.

20 (2) Within 90 days of receipt of a complete
21 application including all the information described in
22 R307- 401-5, the executive secretary will

23 (a) issue an approval order for the proposed
24 construction, installation, modification, relocation, or
25 establishment pursuant to the requirements of R307-401-8,
26 or

27 (b) issue an order prohibiting the proposed
28 construction, installation, modification, relocation or
29 establishment if it is deemed that any part of the proposal
30 is inadequate to meet the applicable requirements of R307.

31 (3) The review period under (2) above may be extended
32 by up to three 30-day extensions if more time is needed to
33 review the proposal.

34 35 **R307-401-7. Public Notice.**

36 (1) Issuing the Notice. Prior to issuing an approval
37 or disapproval order, the executive secretary will
38 advertise intent to approve or disapprove in a newspaper of
39 general circulation in the locality of the proposed
40 construction, installation, modification, relocation or
41 establishment.

42 (2) Opportunity for Review and Comment.

43 (a) At least one location will be provided where the
44 information submitted by the owner or operator, the
45 executive secretary's analysis of the notice of intent
46 proposal, and the proposed approval order conditions will
47 be available for public inspection.

1 (b) Public Comment.

2 (i) A ten-day public comment period will be
3 established.

4 (ii) The public comment period in (i) above will be
5 increased to 30 days for any source that is:

6 (A) subject to the requirements of R307-405, Permits:
7 Major Sources in Attainment or Unclassified Areas,

8 (B) subject to the requirements of R307-406,
9 Visibility,

10 (C) subject to the requirements of R307-415,
11 Operating Permit Requirements;

12 (D) a synthetic minor source in accordance with R307-
13 415-4(6);

14 (E) located in a nonattainment area or a maintenance
15 area for any pollutant; or

16 (F) subject to any standard or requirement of 42
17 U.S.C. 7411 or 7412.

18 (iii) A request to extend the length of the comment
19 period, up to 30 days, may be submitted to the executive
20 secretary:

21 (A) within 10 days of the date the notice in (1)
22 above is published for comment periods established under
23 (i), or

24 (B) within 15 days of the date the notice in (1)
25 above is published for comment periods established under
26 (ii).

27 (iv) Public Hearing. A request for a hearing on the
28 proposed approval or disapproval order may be submitted to
29 the executive secretary:

30 (A) within 10 days of the date the notice in (1)
31 above is published for comment periods established under
32 (i) above, or

33 (B) within 15 days of the date the notice in (1) above
34 is published for comment periods established under (ii)
35 above.

36 (v) The hearing will be held in the area of the
37 proposed construction, installation, modification,
38 relocation or establishment.

39 (vi) The public comment and hearing procedure shall
40 not be required when an order is issued for the purpose of
41 extending the time required by the executive secretary to
42 review plans and specifications.

43 (3) The executive secretary will consider all
44 comments received during the public comment period and at
45 the public hearing and, if appropriate, will make changes
46 to the proposal in response to comments before issuing an
47 approval order or disapproval order.

R307-401-8. Approval Order.

(1) The executive secretary will issue an approval order if the following conditions have been met:

(a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any Control Technique Guidance document that has been published by EPA that is applicable to the source.

(b) The proposed installation will meet the applicable requirements of:

(i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) R307-406, Visibility;

(iv) R307-410, Emissions Impact Analysis;

(v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;

(vi) R307-210, National Standards of Performance for New Stationary Sources;

(vii) National Primary and Secondary Ambient Air Quality Standards;

(viii) R307-214, National Emission Standards for Hazardous Air Pollutants;

(ix) R307-110, Utah State Implementation Plan; and

(x) all other provisions of R307.

(2) The approval order will require that all pollution control equipment be adequately and properly maintained.

(3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of R307 or the State Implementation Plan.

(4) To accommodate staged construction of a large source, the executive secretary may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the executive secretary under the intent of R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under R307-401-8(1) and

(2) will be reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(5) If the executive secretary determines that a proposed stationary source, modification or relocation does not meet the conditions established in (1) above, the executive secretary will not issue an approval order.

R307-401-9. Small Source Exemption.

(1) A small stationary source is exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following conditions are met.

(a) its actual emissions are less than 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM₁₀, ozone, or volatile organic compounds;

(b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;

(c) its actual emissions are less than 500 pounds per year of any air contaminant not listed in (a) or (b) above and less than 2000 pounds per year of any combination of air contaminants not listed in (a) or (b) above.

(d) Air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.

(2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under R307-401-5 no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.

(3) Small Source Exemption - Registration. The executive secretary will maintain a registry of sources that are claiming an exemption under R307-401-9. The owner or operator of a stationary source that is claiming an exemption under R307-401-9 may submit a written registration notice to the executive secretary. The notice shall include the following minimum information:

1 (a) identifying information, including company name
2 and address, location of source, telephone number, and name
3 of plant site manager or point of contact;

4 (b) a description of the nature of the processes
5 involved, equipment, anticipated quantities of materials
6 used, the type and quantity of fuel employed and nature and
7 quantity of the finished product;

8 (c) identification of expected emissions;

9 (d) estimated annual emission rates;

10 (e) any control apparatus used; and

11 (f) typical operating schedule.

12 (4) An exemption under R307-401-9 does not affect the
13 requirements of R307-401-1[~~6~~]7, Temporary Relocation.

14

15 **R307-401-10. Source Category Exemptions.**

16 The following source categories described in (1)
17 through (5) below are exempted from the requirement to
18 obtain an approval order. The general provisions in R307-
19 401-4 shall apply to these sources.

20 (1) Fuel-burning equipment in which combustion takes
21 place at no greater pressure than one inch of mercury above
22 ambient pressure with a rated capacity of less than five
23 million BTU per hour using no other fuel than natural gas
24 or LPG or other mixed gas that meets the standards of gas
25 distributed by a utility in accordance with the rules of
26 the Public Service Commission of the State of Utah, unless
27 there are emissions other than combustion products.

28 (2) Comfort heating equipment such as boilers, water
29 heaters, air heaters and steam generators with a rated
30 capacity of less than one million BTU per hour if fueled
31 only by fuel oil numbers 1 - 6,

32 (3) Emergency heating equipment, using coal or wood
33 for fuel, with a rated capacity less than 50,000 BTU per
34 hour.

35 (4) Exhaust systems for controlling steam and heat
36 that do not contain combustion products.

37

38 **R307-401-11. Replacement-in-Kind Equipment.**

39 (1) Applicability. Existing process equipment or
40 pollution control equipment that is covered by an existing
41 approval order or State Implementation Plan requirement may
42 be replaced using the procedures in (2) below if:

43 (a) the potential to emit of the process equipment is
44 the same or lower;

45 (b) the number of emission points or emitting units
46 is the same or lower;

1 (c) no additional types of air contaminants are
2 emitted as a result of the replacement;

3 (d) the process equipment or pollution control
4 equipment is identical to or functionally equivalent to the
5 replaced equipment;

6 (e) the replacement does not change the basic design
7 parameters of the process unit or pollution control
8 equipment;

9 (f) the replaced process equipment or pollution
10 control equipment is permanently removed from the
11 stationary source, otherwise permanently disabled, or
12 permanently barred from operation;

13 (g) the replaced process equipment or pollution
14 control equipment does not trigger New Source Performance
15 Standards or National Emissions Standards for Hazardous Air
16 Pollutants under 42 U.S.C. 7411 or 7412; and

17 (h) the replacement of the control apparatus or
18 process equipment does not violate any other provision of
19 Title R307.

20 (2) Replacement-in-Kind Procedures.

21 (a) In lieu of filing a notice of intent under R307-
22 401-5, the owner or operator of a stationary source shall
23 submit a written notification to the executive secretary
24 before replacing the equipment. The notification shall
25 contain a description of the replacement-in-kind equipment,
26 including the control capability of any control apparatus
27 and a demonstration that the conditions of (1) above are
28 met.

29 (b) If the replacement-in-kind meets the conditions
30 of (1) above, the executive secretary will update the
31 source's approval order and notify the owner or operator.
32 Public review under R307-401-7 is not required for the
33 update to the approval order.

34 (3) If the replaced process equipment or pollution
35 control equipment is brought back into operation, it shall
36 constitute a new emissions unit.

37
38 **R307-401-12. Reduction in Air Contaminants.**

39 (1) Applicability. The owner or operator of a
40 stationary source of air contaminants that reduces or
41 eliminates air contaminants is exempt from the approval
42 order requirements of R307-401-5 through 8 if:

43 (a) the project does not increase the potential to
44 emit of any air contaminant or cause emissions of any new
45 air contaminant, and

1 (b) the executive secretary is notified of the change
2 and the reduction of air contaminants is made enforceable
3 through an approval order in accordance with (2) below.

4 (2) Notification. The owner or operator shall submit
5 a written description of the project to the executive
6 secretary no later than 60 days after the changes are made.
7 The executive secretary will update the source's approval
8 order or issue a new approval order to include the project
9 and to make the emission reductions enforceable. Public
10 review under R307-401-7 is not required for the update to
11 the approval order.
12

13 **R307-401-13. Plantwide Applicability Limits.**

14 A plantwide applicability limit under R307-405-21 does
15 not exempt a stationary source from the requirements of
16 R307-401.
17

18 **R307-401-14. Used Oil Fuel Burned for Energy Recovery.**

19 (1) Definitions.

20 "Boiler" means boiler as defined in R315-1-1 that
21 incorporates by reference the term "boiler" in 40 CFR
22 260.10, 2000 ed., as amended by 67 FR 2962, January 22,
23 2002.

24 "Used Oil" is defined as any oil that has been refined
25 from crude oil, used, and, as a result of such use
26 contaminated by physical or chemical impurities.

27 (2) Boilers burning used oil for energy recovery are
28 exempted from the requirement to obtain an approval order
29 in R307-401-5 through 8 if the following requirements are
30 met:

31 (a) the heat input design is less than one million
32 BTU/hr;

33 (b) contamination levels of all used oil to be burned
34 do not exceed any of the following values:

35 (i) arsenic - 5 ppm by weight,

36 (ii) cadmium - 2 ppm by weight,

37 (iii) chromium - 10 ppm by weight,

38 (iv) lead - 100 ppm by weight,

39 (v) total halogens - 1,000 ppm by weight,

40 (vi) Sulfur - 0.50% by weight; and

41 (c) the flash point of all used oil to be burned is
42 at least 100 degrees Fahrenheit.

43 (3) Testing. The owner or operator shall test each
44 load of used oil received or generated as directed by the
45 executive secretary to ensure it meets these requirements.
46 Testing may be performed by the owner/operator or
47 documented by test reports from the used fuel oil vendor.

1 The flash point shall be measured using the appropriate
2 ASTM method as required by the executive secretary. Records
3 for used oil consumption and test reports are to be kept
4 for all periods when fuel-burning equipment is in
5 operation. The records shall be kept on site and made
6 available to the executive secretary or ~~[his]~~the executive
7 secretary's representative upon request. Records must be
8 kept for a three-year period.

9
10 **R307-401-15. Air Strippers and Soil Venting Projects.**

11 (1) The owner or operator of an air stripper or soil
12 venting system that is used to remediate contaminated
13 groundwater or soil is exempt from the notice of intent and
14 approval order requirements of R307-401-5 through 8 if the
15 following conditions are met:

16 (a) the estimated total air emissions of volatile
17 organic compounds from a given project are less than the de
18 minimis emissions listed in R307-401-9(1)(a), and

19 (b) the level of any one hazardous air pollutant or
20 any combination of hazardous air pollutants is below the
21 levels listed in R307-410-[4]5(1)(d).

22 (2) The owner or operator shall submit documentation
23 that the project meets the exemption requirements in (1)
24 above to the executive secretary prior to beginning the
25 remediation project.

26 (3) After beginning the soil remediation project, the
27 owner or operator shall submit emissions information to the
28 executive secretary to verify that the emission rates of
29 the volatile organic compounds and hazardous air pollutants
30 in (1) above are not exceeded. Emissions estimates of
31 volatile organic compounds and hazardous air pollutants
32 shall be based on test data obtained in accordance with the
33 test method in the EPA document SW-846, Test #8020 or #8021
34 or other test or monitoring method approved by the
35 executive secretary. Results of the test and calculated
36 annual quantity of emissions of volatile organic compounds
37 and hazardous air pollutants shall be submitted to the
38 executive secretary within one month of sampling. The test
39 samples shall be drawn on intervals of no less than twenty-
40 eight days and no more than thirty-one days (i.e., monthly)
41 for the first quarter, quarterly for the first year, and
42 semi-annually thereafter or as determined necessary by the
43 executive secretary.

44 (4) The following control devices do not require a
45 notice of intent or approval order when used in relation to
46 an air stripper or soil venting project exempted under
47 R307-401-15:

- 1 (a) thermodestruction unit with a rated input
2 capacity of less than five million BTU per hour using no
3 other auxiliary fuel than natural gas or LPG, or
4 (b) carbon adsorption unit.

5
6 **R307-401-16. De minimis Emissions From Soil Aeration**
7 **Projects.**

8 An owner or operator of a soil remediation project is
9 not subject to the notice of intent and approval order
10 requirements of R307-401-5 through 8 when soil aeration or
11 land farming is used to conduct a soil remediation, if the
12 owner or operator submits the following information to the
13 executive secretary prior to beginning the remediation
14 project:

15 (1) documentation that the estimated total air
16 emissions of volatile organic compounds, using an
17 appropriate sampling method, from the project are less than
18 the de minimis emissions listed in R307-401-9(1)(a);

19 (2) documentation that the levels of any one
20 hazardous air pollutant or any combination of hazardous air
21 pollutants are less than the levels in R307-410-[4]5(1)(d);
22 and

23 (3) the location of the remediation and where the
24 remediated material originated.

25
26 **R307-401-17. Temporary Relocation.**

27 The owner or operator of a stationary source
28 previously approved under R307-401 may temporarily relocate
29 and operate the stationary source at any site for up to 180
30 working days in any calendar year not to exceed 365
31 consecutive days, starting from the initial relocation
32 date. The executive secretary will evaluate the expected
33 emissions impact at the site and compliance with applicable
34 Title R307 rules as the bases for determining if approval
35 for temporary relocation may be granted. Records of the
36 working days at each site, consecutive days at each site,
37 and actual production rate shall be submitted to the
38 executive secretary at the end of each 180 calendar days.
39 These records shall also be kept on site by the owner or
40 operator for the entire project, and be made available for
41 review to the executive secretary as requested. R307-401-7,
42 Public Notice, does not apply to temporary relocations
43 under R307-401-1[6]7.

44
45 **R307-401-18. Eighteen Month Review.**

46 Approval orders issued by the executive secretary in
47 accordance with the provisions of R307-401 will be reviewed

1 eight months after the date of issuance to determine the
2 status of construction, installation, modification,
3 relocation or establishment. If a continuous program of
4 construction, installation, modification, relocation or
5 establishment is not proceeding, the executive secretary
6 may revoke the approval order.

7
8 **R307-401-19. Analysis of Alternatives.**

9 The owner or operator of a major new source or major
10 modification to be located in a nonattainment or
11 maintenance area or which would impact a nonattainment or
12 maintenance area must, in addition to the requirements in
13 R307-401, submit with the notice of intent an adequate
14 analysis of alternative sites, sizes, production processes,
15 and environmental control techniques for such proposed
16 source which demonstrates that benefits of the proposed
17 source significantly outweigh the environmental and social
18 costs imposed as a result of its location, construction, or
19 modification. The executive secretary shall review the
20 analysis. The analysis and the executive secretary's
21 comments shall be subject to public comment as required by
22 R307-401-7. The preceding shall also apply in Salt Lake
23 and Davis Counties for new major sources or modifications
24 which are considered major for precursors of ozone,
25 including volatile organic compounds and nitrogen oxides.

26
27 **R307-401-20. Relaxation of Limitations.**

28 At a time that a source or modification to be located
29 in a nonattainment or maintenance area or which would
30 impact a nonattainment or maintenance area becomes a major
31 source or major modification because of a relaxation of any
32 enforceable limitation which was established after August
33 7, 1980, on the capacity of a source or modification
34 otherwise to emit a pollutant, such as a restriction on the
35 hours of operation, then the preconstruction requirements
36 shall apply to the source as though construction had not
37 yet commenced on the source or modification.

38
39 **KEY: air pollution, permit, approval order**
40 **2006**

41 **Notice of Continuation: August 11, 2003**

42 **19-2-104(3)(q)**

43 **19-2-108**
44
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